

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, NOVEMBER 21, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos, Acting Zoning Administrator

STAFF MEMBER: Ron Santos, Rami Talleh, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2007-015 (MATHEWS RESIDENCE)

APPLICANT: Karen Otis – Otis Architecture, 16871 Sea Witch Lane, Huntington Beach, CA 92649

PROPERTY OWNER: Matt & Wendy Matthews, 1717 Cliff Drive, Newport Beach, CA 92663

REQUEST: To permit construction of a first and second story addition (approximately 1,266 sq. ft.) to an existing two-story single-family dwelling.

LOCATION: 16972 Baruna Lane, 92649 (east side of Baruna Ln., north of Kitten Circle – Davenport Island, Huntington Harbor)

PROJECT PLANNER: Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary and recommended approval of the request.

Ricky Ramos confirmed with staff that even with the addition, the proposed structure was below the maximum allowed building height.

THE PUBLIC HEARING WAS OPENED.

Karen Otis, architect, spoke regarding window size changes. Staff stated that revisions were in substantial conformance with the plans submitted.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

COASTAL DEVELOPMENT PERMIT NO. 2007-015 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of an addition to an existing single-family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-015:

1. Coastal Development Permit No. 2007-015 to permit construction of a first and second story addition (approximately 1,266 sq. ft.) to an existing two-story single-family dwelling, as proposed, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code including maximum site coverage, maximum building height, minimum yard setbacks, and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed addition will not impede public access or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-015:

The site plan, floor plans, and elevations received and dated October 18, 2007 shall be the conceptually approved design.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: TEMPORARY USE PERMIT NO. 2007-006 (FIRST CHRISTIAN CHURCH DRIVE-THRU NATIVITY)

APPLICANT/

PROPERTY OWNER: Dave Moses – First Christian Church, 1207 Main Street, Huntington Beach, CA 92648

REQUEST: To permit a three day drive-thru exhibition, including up to 10 animals, live actors and amplified sound. The proposed event would occur once a year for five years commencing in 2007, from approximately 6:00 p.m. to 10:00 p.m., the first week of December.

LOCATION: 1207 Main St., 92648 (south of the intersection of Adams Ave. and 17th Street)

PROJECT PLANNER: Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Santos indicated the event has occurred at the site over the past 38 years without a record of complaints. The application was reviewed by Public Works, Building and Safety, Fire, and Police Departments. The Building Department advised that no permits were required for this event.

Staff recommended approval of the request based upon the suggested findings and conditions of approval as presented in the executive summary.

Ricky Ramos, Acting Zoning Administrator, asked if there were any code requirements or special conditions of approval for this project from Public Works regarding traffic. Staff stated that none were needed and no encroachment permit was needed.

Mr. Ramos inquired when the event would take place. Staff stated that generally it would be the first week of December. Setup for the event would occur two days ahead of the event and the scenes would be disassembled the day following the event.

THE PUBLIC HEARING WAS OPENED.

Steve Stafford, neighbor, stated that pedestrians attend the event and wondered if there shouldn't be some safeguards for the pedestrians' safety, specifically at the intersection of 17th and Adams.

Pastor Bruce Templeton, organizer of the event, stated that precautions are taken to ensure that pedestrians are safe. Pastor Templeton advised that walking groups are taken first and then cars are allowed.

Mr. Ramos asked if there are crosswalks and Pastor Templeton replied yes.

Pastor Templeton stated that to ensure the event ends at 10:00 p.m., no cars will be allowed to queue after 9:30 p.m. A barrier also goes up to guarantee that the event ends on time.

Bob Stachelski, Public Works, stated that there is a code requirement for traffic control. Mr. Ramos engaged in discussions with Mr. Stachelski concerning traffic control for this event and was advised that there has to be a plan in place.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

TEMPORARY USE PERMIT NO. 2007-006 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having negligible or no permanent effects on the environment.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2007-006:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The event is temporary in nature, compatible with surrounding uses, and consistent with the following General Plan Goals and Policies:

LU 7.1 Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents.

LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

RCS 1 Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Approval of the proposed temporary event provides for the cultural, educational and entertainment needs of Huntington Beach residents and allows for the continuance of a use occurring on the site for decades.

2. Approval of the application for the three day drive-thru exhibition event will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed use has a limited duration (up to 4 hours each day for three days) and concludes by 10:00 p.m. Moreover, the City has no records of complaints associated with past occurrences of the proposed event. No detrimental impacts are anticipated.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2007-006:

1. The site plan received and dated November 7, 2007 shall be the conceptually approved layout.
2. Prior to completion of the previously approved expansion and remodel project, a revised site plan shall be submitted depicting the revised event layout in the reconfigured parking lot.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: CONDITIONAL USE PERMIT NO. 2007-032 (ROYAL STREET COMMUNICATION WIRELESS COMMUNICATION FACILITY)

APPLICANT: Ryan Hammersmith, 1607 Seal Way, Seal Beach, CA 90740
PROPERTY OWNER: Southern California Edison, c/o Robert Teran, 2244 Walnut Grove Ave., Rosemead, CA 91770
REQUEST: To permit the installation of a wireless communication facility consisting of three antennas, a microwave dish, and equipment cabinets at an existing Southern California Edison transmission tower.
LOCATION: 19206 Lookout Lane (eastside of Lookout Lane, at the intersection of Lookout Lane and Topside Circle - Southern California Edison right-of-way)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff also presented an overview of the code requirements applicable to the project.

The project was presented to the Design Review Board (DRB). The DRB recommended that the Zoning Administrator approve the request with several conditions of approval which were incorporated into the executive summary.

Staff summarized concerns raised by the Community Services Department regarding security/graffiti. They recommended that the facility be enclosed with a chain link fence or wrought iron fence. Staff did not suggest this as a condition since graffiti removal was already addressed by the code requirements.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary.

Ricky Ramos, Acting Zoning Administrator, inquired how the facility will be accessed. Staff indicated that a suggested condition of approval requires vehicular access to utilize the existing walkway to access the rear of the tower. Mr. Ramos asked if other wireless communication facilities had been approved within the area. Staff indicated that one other facility was approved within the area, but it had not been constructed.

Staff indicated that three telephone inquiries were received from the public on this item.

THE PUBLIC HEARING WAS OPENED.

Mike Carlson, neighbor at 19271 Lookout Lane, spoke about the output power of the microwave antennae. He was concerned about the long term radiation effects of the facility and side effects. His home is located within 50 feet of the tower. He mentioned that there is a baseball diamond, playground, and soccer field within 50 feet of the tower. There are at least

20 homes in the immediate area of the tower and his research indicates that wireless communication facilities should not be near residences.

Tim Hanson, 19261 Lookout Lane, voiced his concern on visual aesthetics. He commented that the site is near a park where there are usually over 100 people. He also stated that microwaves can cause cancer. He has started a petition in opposition to the project.

Bill Fable, 8571 Naples Drive, lives around the corner from the proposed site. He voiced his concerns regarding aesthetics of the site. He stated that other locations may be more appropriate for this project.

Ryan Hammersmith, applicant, responded to concerns voiced by the neighbors. He stated that the proposed frequencies are within the parameters required by the FCC.

Mr. Ramos asked whether there were other Southern California Edison (SCE) towers closer to Magnolia and was informed that there are. Mr. Hammersmith stated that lease agreements could not be made at the other sites.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos confirmed with staff that the applicant had secured the Wireless Permit.

CONDITIONAL USE PERMIT NO. 2007-032 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the installation of a small new facility and structure and associated equipment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-032:

1. Conditional Use Permit No. 2007-032 to install a wireless communication facility consisting of three antennas, a microwave dish, and equipment cabinets at an existing Southern California Edison transmission tower will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed facility will not generate noise, traffic, demand for additional parking or other impacts detrimental to surrounding property.
2. The conditional use permit will be compatible with surrounding uses because the proposed facility will be located on and adjacent to existing Southern California Edison transmission towers, on an existing SCE right-of-way. The design of the facility, which features antennas painted to match the tower to which it is attached, and an equipment shelter

constructed of decorative masonry with a tiled roof, will ensure the compatibility of the proposed facility with surrounding uses.

3. The proposed Conditional Use Permit No. 2007-032 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including the provisions of HBZSO Section 230.96 – Wireless Communications Facilities.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of P (Public) on the subject property, pursuant to the provisions of the Huntington Beach Zoning and Subdivision Ordinance Section 230.96, which serves to implement the General Plan. In addition, it is consistent with the following goals and policies of the General Plan:

L.U. 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure and public services.

U.D. 2.2: Minimize the visual impacts of oil production facilities and other utilities where they encroach upon view corridors or are visually incompatible with their surrounding uses.

U. 5.1: Ensure that adequate natural gas, telecommunications and electrical systems are provided.

U. 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the proposed co-location of antennas with an existing transmission tower, and the use of decorative masonry and a tiled roof to screen equipment cabinets, will minimize the project's visual impacts.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-032:

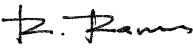
1. The site plan, and elevations received and dated September 4, 2007 shall be the conceptually approved design with the following modifications:
 - a. A tile roof shall be constructed over the equipment enclosure.
 - b. Vehicular access to the wireless communication facility shall utilize the existing concrete walkway heading southeast then turn north to the rear of the transmission towers. The portion of the access within the landscaped area shall consist of turf block.
 - c. Signage shall be placed on the exterior of the facility listing a contact phone number for the communication company for the public to report vandalism.
2. Prior to final building permit inspection, any disturbed landscaping shall be replaced.
3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's

Green Building Guidelines and Rating Systems
(<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2:20 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, NOVEMBER 28, 2007 AT 1:30 PM.



Ricky Ramos
Acting Zoning Administrator

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